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13 Attorneys for Defendant ARISTA NETWORKS, INC.

14 UNITED STATES DISTRICT COURT
15 NORTHERN DISTRICT OF CALIFORNIA
16 SAN JOSE DIVISION

17 CISCO SYSTEMS, INC.,

18 Plaintiff,

19 v.

20 ARISTA NETWORKS, INC.,

21 Defendant.

Case No. 5:14-cv-05344-BLF (NC)

**[PROPOSED] ORDER GRANTING
DEFENDANT ARISTA NETWORKS,
INC.'S MOTION FOR PARTIAL
SUMMARY JUDGMENT**

Date: August 4, 2016
Time: 9:00 a.m.
Dept: Courtroom 3 - 5th Floor
Judge: Hon. Beth Labson Freeman

Date Filed: December 5, 2014

Trial Date: November 21, 2016

1 Before this Court is Defendant Arista Networks, Inc.'s Motion for Partial Summary
 2 Judgment on Counts I and II of Plaintiff Cisco Systems, Inc.'s Second Amended Complaint.
 3 Based on the arguments presented in the motion and supporting filings, and the opposition
 4 thereto, the Court concludes that there is no genuine dispute as to any fact material to the issues
 5 raised in Arista's motion. Accordingly, and for the reasons presented by Arista, the Court hereby
 6 GRANTS Arista's Motion in its entirety, as follows:

7 1. the Court GRANTS summary judgment in favor of Arista as a matter of law on
 8 Count II of the Second Amended Complaint (Infringement of the '526 Patent);

9 2. the Court GRANTS summary judgment in favor of Arista as to all portions of
 10 Count I (Copyright Infringement) that assert infringement based on alleged copying of CLI
 11 commands for which Cisco is not entitled to a statutory presumption of validity, and for which
 12 Cisco did not produce any of the alleged "authors" of the command for deposition (including the
 13 commands set forth in Exhibit 15 to the Declaration of Eduardo Santacana submitted in support
 14 of Arista's motion);

15 3. the Court GRANTS summary judgment in favor of Arista as to all portions of
 16 Count I (Copyright Infringement) based on alleged copying of Cisco's CLI command hierarchies,
 17 and;

18 4. the Court GRANTS summary judgment in favor of Arista as to all portions of
 19 Count I (Copyright Infringement) based on alleged copying of Cisco's command modes or
 20 prompts.

21
 22 **IT IS SO ORDERED.**

23
 24 Dated: _____, 2016

 HON. BETH LABSON FREEMAN